

Date: October 12, 2014
From: Eric Lein, 361 Summit Avenue, St. Paul, MN 55102
To: Hilary Holmes, City of St. Paul PED, 1400 City Hall Annex, 25 W. 4th Street, St. Paul, MN 55102



344 SUMMIT, File #14-331-173: I respectfully request that the St. Paul City Council honor existing RT2/R2 zoning by overturning the Planning Commission decision to approve reuse of 344 Summit as a commercial “hotel.”

On August 24, 2014, I submitted a letter (copy attached) in opposition to John Rupp’s application for reuse of 344 Summit as a luxury boutique hotel. Before I expand on my opposition (below), I want to acknowledge and thank the City’s staff for their carefully drafted (and ultimately adopted) conditions that address many (but not all) of the points I made in my letter of August 24th. However ...

I CONTINUE TO OPPOSE the granting of a conditional use permit for a “*Hotel*” at 344 Summit that allows any commercial hotel activities in our RT2/R2 residential neighborhood. Although eight conditions are attached to the permit, those conditions only partially restrict commercial activities that could be requested and later allowed.

Most developers, via carefully camouflaged loopholes that create as much space as possible for their always-distinctive business ventures, incessantly test the limits of statutes, ordinances, conditional use permits, contracts, agreements, testimony, applications, statements, long-term follow-through and neighborhood tolerance. *Semantics* define each facet, can be almost impossible to pin down, and have *become business as usual*.

A few examples regarding 344 Summit:

- **Ownership** – Although Mr. Rupp repeatedly appears in person and emphasizes “his hotel” and his personal investment in our historic neighborhood and city, the owner of record at 344 Summit is a more impersonal Limited Liability Corporation. By design, Mr. Rupp has detached himself (and future owners of and investors in his LLC) from personal liability. He has created an entity that is likely to exist far longer than his own lifetime, yet could vanish in an instant. Despite personal appearances, this corporate owner’s application to operate a “hotel” at 344 Summit is not a casual request by a close by neighbor. It is made on behalf of a commercial investment vehicle that exists primarily to insulate, serve, and protect, the ultra rich.
- **Modifications** – At a meeting on 06/11/2014, when neighbors expressed concern, Mr. Rupp told the audience that it is impossible for the hotel to become another event space because it will not have, and cannot obtain, a liquor license. Six weeks later his story had evolved. On 07/22/2014, Mr. Rupp told a different audience (the SUPC/District-8 board) that he will continue trying to obtain a liquor license.
- **Persuasion** – As of 08/21/2014, City staffers, in their initial report, seemed to have taken Mr. Rupp’s application to operate a “hotel” at face value. I believe the staff was correct in doing so. Apparently, that first report sparked a bit of behind-the-scenes arm-twisting plus some negotiated semantics (“*When is a hotel not a hotel?*”). On 08/28/2014, a substantially revised staff report plus a three-page letter of explanation were unveiled publicly for the first time during the City’s Zoning Committee meeting and public hearing. There was zero advance opportunity for public consumption or comment. Minutes later, with no public discussion, Committee members voted to recommend eight complicated conditions.
- **Zoning** – In St. Paul, hotels are commercial and therefore disallowed in our neighborhood’s RT2/R2 zoning district. If the City bothers to create zoning districts, it probably should bother to enforce its own rules. Creative linguistics may have encouraged, in essence, an illegal spot rezoning at 344 Summit.
- **Trial Balloon** – Mr. Rupp and his LLC are, by careful design, testing the limits of St. Paul’s zoning ordinances and its system of granting conditional use permits. It is neither by accident nor casual semantics that the word “hotel” appears more than 30 times in this developer’s application. If this permit, as granted, remains intact, other commercial developments will appear in residential neighborhoods – again and again.

The outcome of this appeal is likely to set an important precedent, not only for large structures (> 9,000 sq ft) located in St. Paul’s residentially-zoned neighborhoods, but for all citizens in all zoning districts.

City staff’s 8/21/2014 first report was re-drafted during eleventh hour non-public, negotiations. The developer, 8/28/2014 final report in hand, had his say at that evening’s public hearing. Audience members, however, were surprised by late-breaking changes and not given sufficient time to review and comment on the final report before the Zoning Committee closed its public hearing, voted without discussion, and went home. **The City’s hasty official actions heavily favored this developer, while simultaneously failing to give members of the public sufficient opportunity to provide timely input relating to the 8/28/2014 final staff report.** [Red flag!]

Without first amending its zoning ordinance, in my opinion the City of St. Paul absolutely should not have approved a non-expiring conditional use permit to allow a partially-restricted commercial “hotel” in an RT2/R2 residential neighborhood. [It might be time to define “boutique hotel” – but not via a CUP for this proposal.]

Many thanks to those who seek, identify and sincerely honor a community’s input. It shows. We notice. Please continue your efforts to fit daily challenges into a larger perspective. For tomorrow: **Please overturn a “hotel” at 344 Summit.**

Date: August 24, 2014

From: Eric Lein, 361 Summit Avenue, St. Paul, MN 55102

To: Hilary Holmes, City of St. Paul PED, 1400 City Hall Annex, 25 W. 4th Street, St. Paul, MN 55102

344 SUMMIT, File #14-316-432: I respectfully request that the St. Paul Planning Commission and its Zoning Committee deny the conditional use permit for reuse of large structure for a boutique hotel and deny the modification of standard §65.132(d).

Since 1992 my wife and I have owned and lived at 361 Summit. My grandmother bought the home in 1962, my parents moved here in 1973, and we look out our front windows directly at 344 Summit. Unfortunately (for us) we are just 18 feet too far away to fall within the Boutique Hotel's 100-foot radius for required solicitation of petition signatures.

I OPPOSE the granting of a conditional use permit for a "**Luxury Boutique Hotel**" at 344 Summit that would:

- (1) dismiss the concerns of neighbors who live almost directly across the street;
- (2) allow non-residential (commercial) "hotel activities" in our RT2 residential neighborhood;
- (3) waive requirements for off-street parking; or
- (4) disregard the fact that the site provides almost zero ingress/egress for the hotel's traffic.

- **Zoning Code Section 66.214. Intent, RT2 townhouse residential district.** "*...Because of its residential nature, this district is **not** intended for more intensive uses such as small conference centers, private retreat centers and reception houses.*"
- **EVENTS.** Our supposedly-residential RT2 neighborhood already has four "party venues" located within two blocks of 344 Summit [275 Summit + 301 Summit + 420 Summit + 79 Western Ave N]. In my opinion, we do not need one more.
- **PARKING.** "...off-street parking spaces shall not be within a required front or side yard and shall be a minimum of four (4) feet from any lot line." (Sec. 63.312. Setback.) Off-street parking can reasonably be provided on site at 344 Summit and existing requirements should not be waived. Long ago, today's overall site had two houses and two sets of gardens, not just one. This very large double lot has more than enough space for lovely gardens and the required off-street parking. Experienced owners and developers of luxurious hillside property anticipate complicated construction and above-average costs, and they adjust purchase and/or sale prices accordingly.
- **INGRESS/EGRESS.** Although the CUP application is silent on this topic, developer John Rupp stated (verbally to the SUPC District 8 board on 07/22/2014) that he will continue to seek a liquor license for his luxury hotel. Along with up to ten rooms filled with overnight sleepers and their three cars, a hotel with a liquor license will bring events, events will bring employees and service workers and traffic, and traffic means lots of cars...plus plenty of trucks...including demands by commercial users for vehicle ingress and egress – all trying to enter, exit and park at the property via the single narrow driveway on frequently-busy Summit Avenue. **Bottom line?** Large and small delivery and service trucks will be forced to back into traffic, or truck drivers will simply choose to legally double-park and block traffic whenever curbside spaces are occupied (see City code Sec. 157.09. Double parking).
- **MIND THE GAP.** The City of St. Paul's Comprehensive Plan highlights a report by the Brookings Institution, "Mind the Gap." The Gap widens when Cities hand out special favors that, almost exclusively, are for the benefit of very-high-end clientele (in this case, by waiving requirements for residential zoning, off-street parking, and adequate ingress/egress). Yes, the previous users of 344 Summit filled our neighborhood with their cars and eclectic ways. And, yes! I appreciate walking out my front door, along Summit, and throughout my neighborhood knowing that the City has handed opportunities to public education, to residential treatment centers and to sober houses filled with a diverse mix of adults who need relief so that good people can create new directions in their lives.

Although not part of the current discussion, if community conversations continue regarding reuse of this large structure, I want to acknowledge that **I will support** purely residential uses for more than four units at 344 Summit if conditions are attached that **ensure long-term follow-through** by current and future property owners, that **clearly and permanently**:

- prohibit commercial activities (i.e. receptions, retreats, conferences, banquets, etc., etc., etc., etc.);
- prohibit the temporary use or permanent transfer of a liquor license for use at the property;
- require all delivery & service trucks, limousines & busses to park & load/unload on the property (not in the street; not blocking the city sidewalk; etc., etc.);
- require current and future owners to create and at all times maintain access to sufficient off-street parking (on-site; not stacked; without modification of standard §65.132(d)); and
- address the concerns of other nearby and across-the-street neighbors.

Thank you for the opportunity to express my opinion. Please contact me if you need clarification or have concerns.